

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 24-21285-CV-WILLIAMS

BLACK SIX LLC,

Plaintiff,

v.

ALL AMERICAN REFINERY, INC, *et al.*,

Defendants.

ORDER

THIS MATTER is before the Court on Magistrate Judge Jonathan Goodman’s Report and Recommendations on Plaintiff’s Motion for Default Judgment (DE 20) (“**Report**”). In the Report, Judge Goodman recommends that the Motion be denied without prejudice. (DE 20 at 2.) Specifically, the Report finds that Plaintiff fails to “successfully allege its citizenship as a limited liability company” in its Complaint by listing the citizenships of all LLC members, to ensure that the Court has jurisdiction under 18 U.S.C. § 1332. (*Id.* 7–8.)¹ Additionally, the Report finds that the Motion does not “demonstrat[e] that service was proper or reference specific legal authority (or discussion) on [Plaintiff’s] entitlement to attorneys’ fees.” (*Id.* at 8.) In fact, the Report notes Plaintiff’s request for fees was improperly placed in an exhibit rather than in its Motion and lacks much of the information required by Local Rule 7.3. (*Id.* at 8–10.) Finally, the Report notes that the Motion exceeds the page limits set by Local Rules

¹ Plaintiff did list its sole LLC member and identify him as a Florida resident in its corporate disclosure statement (DE 12), however the Court’s subject-matter jurisdiction must be apparent from the Complaint’s allegations. See *Nishimatsu Constr. Co. v. Houston Nat’l Bank*, 515 F.2d 1200, 1206 (5th Cir. 1975).

7.1(c)(2). (*Id.* at 9.)

Plaintiff does not challenge any of the Report's conclusions in its filed Objections to Report and Recommendations (DE 21) ("**Objections**"). Instead, Plaintiff requests that the Report be adopted with the modification that Plaintiff be granted leave to amend its Complaint within fourteen (14) days to cure the defective jurisdictional allegations. (DE 21 at 3.) Therefore, the Court conducted a *de novo* review of the Report. Upon careful review of the Report, the Objections, the Motion, the record, and applicable law, it is **ORDERED AND ADJUDGED** as follows:

1. The Report (DE 20) is **AFFIRMED AND ADOPTED**.
2. Plaintiff's Motion for Default Judgment (DE 18) is **DENIED WITHOUT PREJUDICE**.
3. Plaintiff may file an amended complaint **within fourteen (14 days) of the date of this Order** to cure the jurisdictional defect identified in the Report.

DONE AND ORDERED in Chambers in Miami, Florida, this 8th day of January, 2025.


KATHLEEN M. WILLIAMS
UNITED STATES DISTRICT JUDGE